BILL ANALYSIS

H.B. 1738
By: Jones, Venton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2003, the U.S. Supreme Court's decision in *Lawrence v. Texas* invalidated Penal Code provisions that criminalized same-sex conduct. The bill author has informed the committee, however, that these provisions still remain in Texas statute, unenforceable but still serving as an unrepealed remnant of past discrimination and creating confusion and potential for misuse. H.B. 1738 seeks to rectify this by formally removing the unconstitutional language, protecting all Texans from discriminatory enforcement and ensuring that the Penal Code reflects current legal standards.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1738 repeals Section 21.06, Penal Code, which creates the Class C misdemeanor offense of homosexual conduct for a person who engages in deviate sexual intercourse with another individual of the same sex.

H.B. 1738 amends the Health and Safety Code to make conforming changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.